IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

W.P.No. 3068 OF 2003

PETITIONER : Ganesh Singhania, son of Nand Kishor Singhania, aged about 43 years, resident of Netaji Chowk, Janjgir Champa, District-Janjgir-Champa,(C.G.)

V E R S U S

RESPONDENTS :1. The State of Chhattisgarh, through Secretary, Department of Home and Affairs, D.K.S.Building, Mantralaya, Raipur, District Raipur,(C.G.).

:2. District Magistrate, Janjgir Champa, District-Janjgir-Champa,(C.G.)

:3. Superintendent of Police, Janjgir-Champa, District-Janjgir-Champa,(C.G.)

:4. Station House Officer, Police Station Janjgir Champa, District-Janjgir-Champa,(C.G.)

P. R. No. 2916/03
Presented by Shri Sahu
dated 22/09/03

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TO A.G.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(18)

आदेश पत्रक

मामला क्रमांक W.P.3068/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

05.11.2003

Shri Awadh Tripathi, counsel for the petitioner.

Shri Praveen Das, Panel Lawyer for the State/respondents.

Heard both the counsel.

By this writ petition under Article 226/227 of the Constitution of India, the main challenge of the petitioner is that on 10.09.2003 at about 10 p.m. some persons namely, Sali, Nazir Khan, Bhairon Mishra, Shibu Verma, Ashok Rathore, Ritesh Thawai, Jojo Rathore entered the house of the petitioner and they were having Lathis and knives in their hands and started abusing and assaulting the petitioner by fist an dragged the petitioner on the road and said that why he had removed the Egg Cart and further started beating the petitioner. The petitioner approached the Police Station: Janjgir-Champa. The Police got the petitioner medically examined, but the Station House Officer, Police Station: Janjgir-Champa had not registered the case. The petitioner sent a written complaint to the Superintendent of Police & Collector, Janjgir-Champa. Even then the case has not been registered. Therefore, the petitioner has not left with any other alternative efficacious remedy under the law except to invoke the jurisdiction of this Court. Therefore, the respondents be directed to register the case and investigate into the matter.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(19)

आदेश पत्रक

मामला क्रमांक W.P.3068/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

It is not true that equally efficacious alternative remedy is not available to the petitioner. The petitioner is very well within his right to move the concerned Judicial Magistrate, First Class, as per the provisions of the Code of Criminal Procedure. He may complain to the Magistrate and the Magistrate can proceed further as per the provisions of the Cr.P.C. i.e. either he can himself examine the witnesses and proceed with the complaint as per the provisions of Sections 200 to 204 of the Cr.P.C. or the Magistrate can send a complaint under Section 156 (3) of the Cr.P.C. to the concerned Police Station to register the case and investigate the matter. Therefore, efficacious alternative remedy is available to the petitioner.

In the circumstances, I do not find any substance in the petitioner. The petition is, therefore, liable to be rejected and it is accordingly, rejected.

In view of this order, I.A.No.9097/2003 stands disposed of.

Sd/-
L.C.BHADOO
Judge

Soma